



COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

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IN REPLY PLEASE
REFER TO FILE: **MP-5**

January 20, 2005

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Dear Supervisors:

**RESOLUTION OF INTENTION TO VACATE APACHE TRAIL
SOUTH OF VIEW DRIVE - MALIBOU LAKE
FUTURE PUBLIC HEARING
SUPERVISORIAL DISTRICT 3
3 VOTES**

IT IS RECOMMENDED THAT YOUR BOARD:

1. Adopt the enclosed Resolution of Intention to Vacate with Reservation a portion of Apache Trail south of View Drive, located within the unincorporated County area known as Malibou Lake, pursuant to Section 8320, et seq., of the California Streets and Highways Code.
2. Set the matter for hearing not less than 15 days from the adoption of the Resolution pursuant to Section 8320, et seq., of the California Streets and Highways Code.
3. Instruct the Executive Officer of the Board to publish the enclosed Notice of Proposed Vacation pursuant to Section 8322 of the California Streets and Highways Code.

AFTER THE PUBLIC HEARING, IT IS RECOMMENDED THAT YOUR BOARD:

Adopt the enclosed Resolution to Conditionally Vacate with Reservation on the date of the hearing, pursuant to Section 8324 of the Streets and Highways Code, after finding that:

1. The vacation is categorically exempt from the provisions of the California Environmental Quality Act (CEQA).
2. The area proposed to be vacated is no longer needed for present or prospective public use, including bicycle paths and trails.
3. The public convenience and necessity require the reservation and exception of easements and rights as set forth in Section 8340 of the California Streets and Highways Code.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The easement for Apache Trail was dedicated to the County in 1924, but it was never constructed or used as a public road because the width and alignment of the easement and existing topography made the road impractical to build.

Mr. and Mrs. Michael Gammel, owners of several otherwise contiguous properties that are separated by this paper road, requested this vacation to extinguish the public's rights over the unimproved road. Termination of these rights would allow the Gammels to exercise their reversionary rights over the vacated area and consolidate their properties separated by Apache Trail. The vacation of the unimproved road will not have a negative impact on any adjacent properties or the County Highway Plan. No existing public utility easements will be affected by the proposed vacation.

It is in the County's best interest to vacate the easement since it does not serve the purposes for which it was dedicated and is not required for general public access, circulation, or for bicycle paths or trails.

Implementation of Strategic Plan Goals

This action is consistent with the County Strategic Plan Goal of Fiscal Responsibility as the vacation of the road right of way will result in added revenue through assessment and taxation, eliminates unnecessary maintenance cost, and removes possible County exposure to liability.

FISCAL IMPACT/FINANCING

Vacation of the right of way will not have a negative fiscal impact on the County budget. A fee of \$1,500 has been paid by the petitioner to defray the expenses of investigation, mailings, publications, and postings. The fee is authorized by your Board in Resolution adopted May 4, 1982, Synopsis 62 (Fee Schedule), and as prescribed in Section 8321(d) of the California Streets and Highways Code.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The area to be vacated contains approximately 1,790 square feet and is shown on the map attached to the Resolution. The proposed vacation is conditioned upon the petitioner executing an affidavit consolidating/merging Lots 52, 53, and Lots 88 through 93 into one parcel. This requirement reduces the number of salable and buildable parcels available to Mr. and Ms. Gammel, thereby limiting development in the region.

The County's interest was acquired as an easement for road purposes by dedication on the map of Tract No. 8228, recorded in Book 103, page 78, of Maps, on file in the Office of the Registrar-Recorder of the County of Los Angeles. However, no road improvements have ever been constructed.

The County of Los Angeles Departments of Regional Planning and Parks and Recreation have found and determined that the proposed vacation area is not suitable for nonmotorized transportation facilities.

As part of our investigation, we mailed notices to a number of property owners who may be impacted by the proposed vacation. We received a written objection from Mr. Bruce G. Smith who owns property south of the vacation area. Mr. Smith is concerned about losing access to his property. However, a site investigation indicates that due to an inadequate dedicated right of way, a steep slope, and the topography of the area, construction of the roadway within the vacation area is unrealistic and impractical. Field investigation also shows that Mr. Smith's property is better served by Apache Trail, southbound, leading to Crest Drive, an improved road.

Additionally, our office received a letter from Mr. Murray Sumner and Ms. Kay Sumner, who also own property in the vicinity, requesting that the applicant provide private access to the Malibou Lake area. Mr. and Mrs. Gammel have been notified and are addressing the Sumners' concerns.

The Public Streets, Highways, and Service Easement Vacation Law allows your Board to voluntarily relinquish the County's interest and terminate the public's right over a street or highway. Adoption of the enclosed Resolution by your Board will terminate the rights of the public to use the vacated area and disposes of unnecessary County right of way. Your action will also result in the property being unencumbered of the public easement, thereby allowing the underlying fee owners to exercise their reversionary rights over the vacated area.

ENVIRONMENTAL DOCUMENTATION

Under CEQA, as specified in Sections 15305 and 15321 of the State CEQA Statutes and Guidelines, and as specified in Classes 5 and 21 of the Environmental Document Reporting Procedures and Guidelines adopted by your Board on November 17, 1987, Synopsis 57, this proposed vacation is categorically exempt.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

The County of Los Angeles Fire Department has determined that fire and medical emergencies will not be affected by the proposed vacation. The County of Los Angeles Regional Planning Commission has determined that the proposed vacation of Apache Trail is not in conflict with the County-adopted General Plan and that the trail is not suitable for bicycle paths and trails. Existing easement rights for utilities will be reserved to Southern California Edison Company.

CONCLUSION

This action is in the County's best interest. Enclosed are a Resolution of Intention to Vacate with Reservation and a Resolution to Conditionally Vacate with Reservation, approved as to form by County Counsel. Upon adoption of the Resolution of Intention, please transmit two conformed copies of the Resolution and the Notice of Proposed Vacation to Public Works, which will post the Notice pursuant to Streets and Highways Code Section 8323. Upon adoption of the Resolution to Conditionally Vacate with Reservation, please return the executed original, together with two conformed copies and a copy of the Board's minute order, for further processing. Please retain one executed original/copy for your files. Public Works will record the Resolution to Conditionally Vacate with Reservation and will return the executed original Resolution to you when recorded.

The Honorable Board of Supervisors
January 20, 2005
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One approved copy of this letter is requested.

Respectfully submitted,

DONALD L. WOLFE
Acting Director of Public Works

CVC:psr
P5:\BD LTR APACHE TRAIL

Enc.

cc: Auditor-Controller (Accounting Division - Asset Management)
Chief Administrative Office
County Counsel

RESOLUTION OF INTENTION TO VACATE WITH RESERVATION

WHEREAS, it is proposed that a portion of Apache Trail south of View Drive be conditionally vacated as a public easement; and

WHEREAS, the proposed vacation has been approved by the Acting Director of the County of Los Angeles, Department of Public Works;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Los Angeles, State of California, that it is the intention of said Board of Supervisors to order that the aforementioned easement (trail) legally described in Exhibit "A" and as shown by the map in Exhibit "B" attached hereto and incorporated herein by this reference covering the right of way in the County of Los Angeles, State of California, be conditionally vacated pursuant to Chapter 3 of Part 3 of Division 9 of the Streets and Highways Code of the State of California, commencing with Section 8320.

NOW, THEREFORE, IT IS ORDERED by the Board of Supervisors of the County of Los Angeles, State of California, the ____ day of _____, 20__, at the hour of _____ a.m./p.m. of said day, is the day and hour, and the Hearing Room of the Board of Supervisors, Room 381 Kenneth Hahn Hall of Administration, 500 West Temple Street (corner of Temple Street and Grand Avenue), Los Angeles, California, 90012, is the place fixed by the Board of Supervisors when and where any and all persons having objections to the proposed vacation may appear before the said Board of Supervisors and show cause why said proposed vacation should not be made in accordance with this Resolution.

IT IS FURTHER ORDERED that a notice of such proposed vacation to be conspicuously posted, along the line of the area proposed to be vacated in the manner and in the form required by law, and shall cause same to be published in a newspaper of general circulation published in the County, for at least two successive weeks prior to the day fixed for the hearing.

The foregoing Resolution was on the ____ day of _____, 20__, adopted and ordered by the Board of Supervisors of the County of Los Angeles, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts.

VIOLET VARONA-LUKENS
Executive Officer of the
Board of Supervisors of the
County of Los Angeles

APPROVED AS TO FORM:

RAYMOND G. FORTNER, JR.
County Counsel

By _____
Deputy

By _____
Deputy

**NOTICE OF PROPOSED VACATION OF APACHE TRAIL SOUTH OF VIEW DRIVE
IN THE VICINITY OF MALIBOU LAKE IN THE 3RD SUPERVISORIAL DISTRICT**

NOTICE IS HEREBY GIVEN that a Resolution of Intention to Vacate with Reservation was adopted by the Board of Supervisors of the County of Los Angeles on 20____, declaring its intention to conditionally vacate, a portion of Apache Trail south of View Drive (Malibou Lake, California, 91301) in the 3rd Supervisorial District, as described in Exhibit "A", attached hereto and incorporated herein by reference.

The vacation proceeding is conducted pursuant to Chapter 3, Part 3, Division 9, of the Streets and Highways Code of the State of California, commencing with Section 8320.

A hearing on the proposed vacation will be held in the Hearing Room of the Board of Supervisors, Room 381, Kenneth Hahn Hall of Administration, 500 West Temple Street (corner of Temple Street and Grand Avenue), Los Angeles, California, 90012, on _____, 20____, at _____ a.m./p.m.

By order of the Board of Supervisors of the County of Los Angeles, State of California, adopted _____, 20____.

VIOLET VARONA-LUKENS
Executive Officer of the
Board of Supervisors of the
County of Los Angeles

APPROVED AS TO FORM:

RAYMOND G. FORTNER, JR.
County Counsel

By _____
Deputy

By _____
Deputy

RESOLUTION TO CONDITIONALLY VACATE WITH RESERVATION

WHEREAS, the Board of Supervisors of the County of Los Angeles, State of California, did on _____, 20__, adopt the Resolution of Intention to conditionally vacate as a public/County easement a portion of Apache Trail south of View Drive in the vicinity of Malibou Lake in the County of Los Angeles, State of California, legally described in Exhibit "A" and shown by map in Exhibit "B" both attached to said Resolution; pursuant to Chapter 3 of Part 3 of Division 9 of the Streets and Highways Code of the State of California commencing with Section 8320; and

WHEREAS, pursuant to said Resolution, notice of proposed vacation has been given by publication and by posting; and

WHEREAS, said Board of Supervisors held a public hearing on said proposed vacation _____, 20__; and

WHEREAS, said Board of Supervisors has found and determined that, the area to be vacated is no longer necessary for present or prospective public use based upon the following facts: That the subject right of way is not required for general public access, circulation, including bicycle paths and trails.

WHEREAS, the vacation is conditioned upon the applicant consolidating/merging Lots 52, 53, 91, 92 and 93 into one parcel. This condition must be met to the satisfaction of the Department of Public Works within one year of the date this Resolution is adopted by the Board of Supervisors or the vacation and abandonment of the trail easement will terminate and become null and void; and

NOW, THEREFORE, IT IS ORDERED by the Board of Supervisors of the County of Los Angeles, State of California, that the above-referenced right of way is hereby vacated pursuant to Chapter 3 of Part 3 of Division 9 of the Streets and Highways Code, State of California, commencing with Section 8320; reserving and excepting therefrom easement and right for utility facilities owned by Southern California Edison Company, as set forth in Sections 8340 and 8341 of said Streets and Highways Code;

AND BE IT FURTHER RESOLVED that the Department of Public Works be authorized to record the certified original Resolution in the office of the Recorder of the County of Los Angeles, at which time the area vacated will no longer be a public/County easement.

The foregoing Resolution was on the ____ day of _____, 20__ adopted by the Board of Supervisors of the County of Los Angeles, State of California.

APPROVED AS TO FORM:

RAYMOND G. FORTNER, JR.
County Counsel

VIOLET VARONA-LUKENS
Executive Officer of the
Board of Supervisors of the
County of Los Angeles

By _____
Deputy

By _____
Deputy

EXHIBIT "A"

APACHE TRAIL S/O VIEW DRIVE (M0188107)

That portion of Apache Trail, 15 feet wide, in the unincorporated territory of the County of Los Angeles, State of California, as shown and dedicated to the public use by the map of Tract No. 8228, as shown on map recorded in Book 103, page 78 of Maps, on file in the Office of the Recorder of said County, within the following described boundary:

Beginning at the intersection of the westerly line of Lot 93 with the easterly prolongation of the southerly line of Lot 52, of said tract; thence westerly along said easterly prolongation to the easterly line of said Lot 52; thence northerly along said easterly line to the northeast corner of said last-mentioned lot; thence easterly along the easterly prolongation of that certain course having a bearing and length of N 77° 35' 00" E 25.50 feet, in the northerly boundary of said last-mentioned lot, to the westerly boundary of Lot 91 of said tract; thence southerly along the westerly boundaries of said Lots 91, 92, and 93, to the point of beginning.

RESERVING all easements and rights to Southern California Edison Company, in, on, over and across the above-described portion of Apache Trail herein being vacated.

The reservation herein being made is done in accordance with the provision of Sections 8340 and 8341 of the Streets and Highways Code of the State of California.

Total Area: 1,790+ square feet

Description Approved

DONALD L. WOLFE
Acting Director of Public Works

By _____
Deputy

This real property description has been prepared in conformance with the Professional Land Surveyors Act. The signatory herein is exempt pursuant to Section 8726 of the Land Surveyors Act.

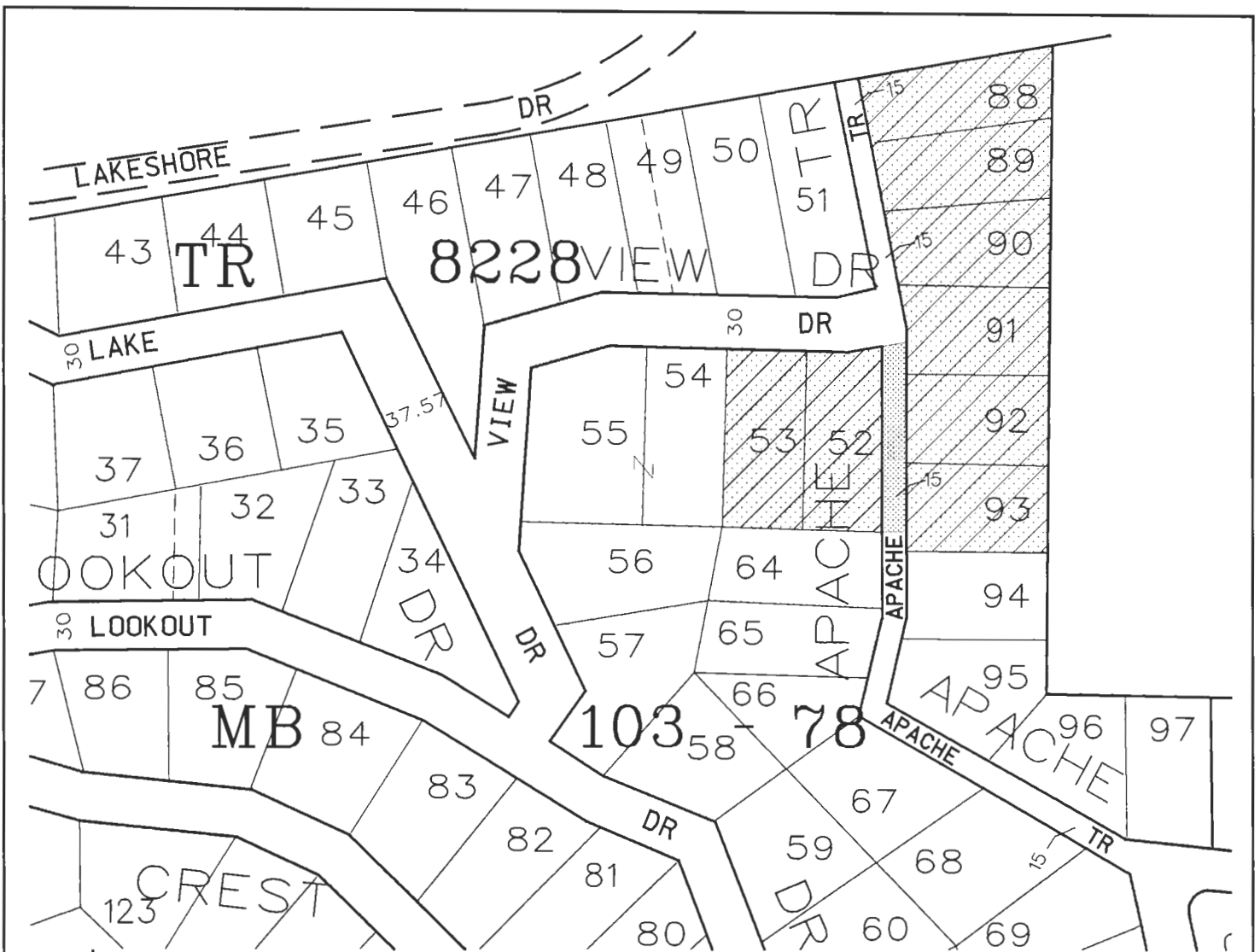





EXHIBIT B

SUBJECT
LOCATION

LEGEND

-  Proposed Vacation Area 1790±s.f.
-  Owned by Applicant
-  Properties to be merged

REVISIONS

1. 1-20-05

2.

3.

DEPARTMENT OF PUBLIC WORKS

MAPPING & PROPERTY MANAGEMENT DIVISION

SD.
3

RD.
339

A.M.B.
4462-013

T.G.
588-B4

APACHE TRAIL

DRAWING NO.

S/O

M0188107

VIEW DRIVE

SCALE
NONE

DATE
5/01

I.M.
144-057